

AMENDED IN ASSEMBLY JUNE 8, 1998

AMENDED IN SENATE APRIL 28, 1998

AMENDED IN SENATE APRIL 14, 1998

AMENDED IN SENATE MARCH 16, 1998

**SENATE BILL**

**No. 1491**

**Introduced by Senator Kelley**

February 4, 1998

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An act to amend Sections 27900, 34501, 34507.5, and 40000.15 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1491, as amended, Kelley. Vehicles: commercial vehicles: safety: identification: rules and regulations.

(1) Existing law requires the Department of the California Highway Patrol to adopt reasonable rules and regulations that, in the judgment of the department, are designed to promote the safe operation of specified commercial vehicles, regarding, among other things, inspection and maintenance of vehicles.

This bill would authorize the department to adopt rules and regulations relating to commercial vehicle safety inspection and out-of-service criteria. The bill would authorize the commissioner, in adopting the rules and regulations, to consider the commercial vehicle safety inspection and out-of-service criteria adopted by *organizations such as* the Commercial Vehicle Safety Alliance ~~or an appropriate law enforcement or safety organization~~. The bill would authorize

the Commissioner of the California Highway Patrol to provide departmental representatives to that alliance or other organization for the purpose of promoting the continued improvement and refinement of compatible nationwide commercial vehicle safety inspection and out-of-service criteria.

(2) Existing law requires that every motor vehicle or combination of vehicles used to carry the property of others for hire or used to carry passengers for hire, and any truck or truck tractor having 3 or more axles or any truck tractor with a semitrailer, have displayed on both sides of each vehicle or on both sides of one of the vehicles in each combination of vehicles the name or trademark of the person under whose authority the vehicle or combination of vehicles is being operated or the name of the lessor or lessee thereof. A violation of this requirement is an infraction.

Existing law requires that the carrier identification number assigned to the motor carrier under whose operating authority or motor carrier permit a vehicle or combination of vehicles is being operated be displayed on both sides of each vehicle, or on both sides of at least one motor vehicle in each combination of certain vehicles, while engaged in intrastate commerce.

This bill would require the vehicles or combinations of vehicles specified above, if operated under a rental agreement with a term of not more than 30 calendar days, to (a) have displayed on both sides of each vehicle or on both sides of one of the vehicles in each combination of vehicles the name or trademark of the lessor, (b) have displayed on both sides of each vehicle or on both sides of one of the vehicles in each combination of vehicles the carrier identification number issued by the United States Department of Transportation, a valid operating authority number, or a valid motor carrier of property number, and (c) have in the vehicle or combination of vehicles a copy of the rental agreement entered into by the lessor and the vehicle operator.

The bill would require that the rental agreement be available for inspection immediately upon the request of any authorized employee of the department or any regularly employed and salaried police officer or deputy sheriff. If the



rented vehicle or combination of vehicles is operated in conjunction with a commercial enterprise, the bill would require that the rental agreement include the operator's carrier identification number or motor carrier of property permit number.

Because a violation of these provisions would be a misdemeanor, the bill would impose a state-mandated local program by creating new crimes.

The bill would require that a vehicle or combination of vehicles that is in compliance with certain federal regulations be deemed to be in compliance with these provisions.

(3) Existing law exempts certain vehicles from a requirement that the vehicle display a carrier identification number if the gross vehicle weight rating of the towing vehicle is 11,500 pounds or less.

This bill would, instead, exempt those vehicles if the gross vehicle weight rating of the towing vehicle is 10,000 pounds or less. The bill would also exempt vehicles if the towing vehicle is a pickup truck, as defined. These exemptions would not apply to specified vehicle combinations.

The bill would also exempt pickup trucks and 2-axle daily rental trucks with gross vehicle weight ratings of less than 26,001 pounds from the requirement that the carrier identification number be displayed, if those vehicles are operated in noncommercial use.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 27900 of the Vehicle Code is  
2 amended to read:  
3 27900. (a) Every motor vehicle or combination of  
4 vehicles used to carry the property of others for hire or



1 used to carry passengers for hire, any truck or truck  
2 tractor having three or more axles or any truck tractor  
3 with a semitrailer, and all commercial motor vehicles, as  
4 defined in subdivision (c) of Section 34601, shall have  
5 displayed on both sides of each vehicle or on both sides of  
6 one of the vehicles in each combination of vehicles the  
7 name or trademark of the person under whose authority  
8 the vehicle or combination of vehicles is being operated.

9 (b) A vehicle or combination of vehicles listed in  
10 subdivision (a) that is operated under a rental agreement  
11 with a term of not more than 30 calendar days shall meet  
12 all of the following requirements:

13 (1) Have displayed on both sides of each vehicle or on  
14 both sides of one of the vehicles in each combination of  
15 vehicles the name or trademark of the lessor.

16 (2) Have displayed on both sides of each vehicle or on  
17 both sides of one of the vehicles in each combination of  
18 vehicles any of the following numbers issued to the lessor:

19 (A) The carrier identification number issued by the  
20 United States Department of Transportation.

21 (B) A valid operating authority number.

22 (C) A valid motor carrier of property number.

23 (3) (A) Have in the vehicle or combination of  
24 vehicles a copy of the rental agreement entered into by  
25 the lessor and the vehicle operator.

26 (B) The rental agreement shall be available for  
27 inspection immediately upon the request of any  
28 authorized employee of the department or any regularly  
29 employed and salaried police officer or deputy sheriff.

30 (C) If the rented vehicle or combination of vehicles is  
31 operated in conjunction with a commercial enterprise,  
32 the rental agreement shall include the operator's carrier  
33 identification number or motor carrier of property  
34 permit number.

35 (c) A vehicle or combination of vehicles that is in  
36 compliance with Section 390.21 of Title 49 of the Code of  
37 Federal Regulations shall be deemed to be in compliance  
38 with subdivision (b).

39 (d) All names, trademarks, and other identifiers for  
40 companies no longer in business, no longer operating

1 with the same name, or no longer operating under the  
2 same operating authority, shall be removed from or  
3 covered over on every motor vehicle or combination of  
4 vehicles listed in subdivision (a), within 60 days from the  
5 change of company ownership or operation. Those  
6 vehicles or combinations of vehicles shall be remarked  
7 pursuant to subdivision (a) before they may be operated  
8 on the highways.

9 SEC. 2. Section 34501 of the Vehicle Code is amended  
10 to read:

11 34501. (a) (1) The department shall adopt  
12 reasonable rules and regulations that, in the judgment of  
13 the department, are designed to promote the safe  
14 operation of vehicles described in Section 34500,  
15 regarding, but not limited to, controlled substances and  
16 alcohol testing of drivers by motor carriers, hours of  
17 service of drivers, equipment, fuel containers, fueling  
18 operations, inspection, maintenance, recordkeeping,  
19 accident reports, and drawbridges. The rules and  
20 regulations shall not, however, be applicable to  
21 schoolbuses, which shall be subject to rules and  
22 regulations adopted pursuant to Section 34501.5.

23 The rules and regulations shall exempt local law  
24 enforcement agencies, within a single county, engaged in  
25 the transportation of inmates or prisoners when those  
26 agencies maintain other motor vehicle operations  
27 records which furnish hours of service information on  
28 drivers which are in substantial compliance with the rules  
29 and regulations. This exemption does not apply to any  
30 local law enforcement agency engaged in the  
31 transportation of inmates or prisoners outside the county  
32 in which the agency is located, if that agency would  
33 otherwise be required, by existing law, to maintain  
34 driving logs.

35 (2) The department may adopt rules and regulations  
36 relating to commercial vehicle safety inspection and  
37 out-of-service criteria. In adopting the rules and  
38 regulations, the commissioner may consider the  
39 commercial vehicle safety inspection and out-of-service  
40 criteria adopted by *organizations such as* the Commercial

1 Vehicle Safety Alliance or an appropriate law  
2 enforcement agency or safety organization Alliance. The  
3 commissioner may provide departmental  
4 representatives to that alliance or other organization for  
5 the purpose of promoting the continued improvement  
6 and refinement of compatible nationwide commercial  
7 vehicle safety inspection and out-of-service criteria.

8 (3) The commissioner shall appoint a committee of 15  
9 members, consisting of representatives of industry  
10 subject to the regulations to be adopted pursuant to this  
11 section, to act in an advisory capacity to the department,  
12 and the department shall cooperate and confer with the  
13 advisory committee so appointed. The commissioner  
14 shall appoint a separate committee to advise the  
15 department on rules and regulations concerning  
16 wheelchair lifts for installation and use on buses,  
17 consisting of persons who use the wheelchair lifts,  
18 representatives of transit districts, representatives of  
19 designers or manufacturers of wheelchairs and  
20 wheelchair lifts, and representatives of the Department  
21 of Transportation.

22 (4) The department may inspect any vehicles in  
23 maintenance facilities or terminals, as well as any records  
24 relating to the dispatch of vehicles or drivers, and the pay  
25 of drivers, to assure compliance with this code and  
26 regulations adopted pursuant to this section.

27 (b) The department, using the definitions adopted  
28 pursuant to Section 2402.7, shall adopt regulations for the  
29 transportation of hazardous materials in this state, except  
30 the transportation of materials which are subject to other  
31 provisions of this code, that the department determines  
32 are reasonably necessary to ensure the safety of persons  
33 and property using the highways. The regulations may  
34 include provisions governing the filling, marking,  
35 packing, labeling, and assembly of, and containers that  
36 may be used for, hazardous materials shipments, and the  
37 manner by which the shipper attests that the shipments  
38 are correctly identified and in proper conditions for  
39 transport.

1 (c) At least once every 13 months, the department  
2 shall inspect every maintenance facility or terminal of  
3 any person who at any time operates any bus. If the bus  
4 operation includes more than 100 buses, the inspection  
5 shall be without prior notice.

6 (d) The commissioner shall adopt and enforce  
7 regulations which will make the public or private users of  
8 any bus aware of the operator's last safety rating.

9 (e) It is unlawful and constitutes a misdemeanor for  
10 any person to operate any bus without the inspection  
11 specified in subdivision (c) having been conducted.

12 (f) The department may adopt regulations restricting  
13 or prohibiting the movement of any vehicle from a  
14 maintenance facility or terminal if the vehicle is found in  
15 violation of this code or regulations adopted pursuant to  
16 this section.

17 SEC. 3. Section 34507.5 of the Vehicle Code is  
18 amended to read:

19 34507.5. (a) Every motor carrier, as defined in  
20 Section 408, and every motor carrier of property, and  
21 for-hire motor carrier of property, as defined in Section  
22 34601, shall obtain a carrier identification number from  
23 the department. Application for a carrier identification  
24 number shall be on forms furnished by the department.  
25 Information provided in connection with applications for  
26 carrier identification numbers shall be updated by motor  
27 carriers upon request from the department.

28 (b) The carrier identification number assigned to the  
29 motor carrier under whose operating authority or motor  
30 carrier permit the vehicle or combination of vehicles is  
31 being operated shall be displayed on both sides of each  
32 vehicle, or on both sides of at least one motor vehicle in  
33 each combination of the following vehicles while  
34 engaged in intrastate commerce:

35 (1) Each vehicle set forth in Section 34500.

36 (2) Any motortruck of two or more axles that is more  
37 than 10,000 pounds gross vehicle weight rating.

38 (3) Any other motortruck or motor vehicle used to  
39 transport property for compensation.

(c) A vehicle or combination of vehicles listed in subdivision (b) that is operated under a rental agreement with a term of not more than 30 calendar days shall meet all of the following requirements:

(1) Have displayed on both sides of each vehicle or on both sides of one of the vehicles in each combination of vehicles the name or trademark of the lessor.

(2) Have displayed on both sides of each vehicle or on both sides of one of the vehicles in each combination of vehicles any of the following numbers issued to the lessor:

(A) The carrier identification number issued by the United States Department of Transportation.

(B) A valid operating authority number.

(C) A valid motor carrier of property number.

(3) (A) Have in the vehicle or combination of vehicles a copy of the rental agreement entered into by the lessor and the vehicle operator.

(B) The rental agreement shall be available for inspection immediately upon the request of any authorized employee of the department or any regularly employed and salaried police officer or deputy sheriff.

(C) If the rented vehicle or combination of vehicles is operated in conjunction with a commercial enterprise, the rental agreement shall include the operator's carrier identification number or motor carrier of property permit number.

(d) A vehicle or combination of vehicles that is in compliance with Section 390.21 of Title 49 of the Code of Federal Regulations shall be deemed to be in compliance with subdivision (c).

(e) This section does not apply to any of the following vehicles:

(1) Vehicles described in subdivision (f) of Section 34500, which are operated by a private carrier as defined in subdivision (d) of Section 34601, if the gross vehicle weight rating of the towing vehicle is 10,000 pounds or less, or the towing vehicle is a pickup truck, as defined in Section 471. This exception does not apply to vehicle combinations described in subdivision (k) of Section 34500.



(2) Vehicles described in subdivision (g) of Section 34500, which are operated by a private carrier as defined in subdivision (d) of Section 34601, if the hazardous material transportation does not require the display of placards pursuant to Section 27903, a license pursuant to Section 32000.5, or hazardous waste hauler registration pursuant to Section 25163 of the Health and Safety Code.

(3) Historical vehicles, as described in Section 5004, ~~vehicles—~~*which and vehicles that* display special identification plates in accordance with Section 5011.

(4) Implements of husbandry as defined in Chapter 1 (commencing with Section 36000) of Division 16.

(5) Vehicles owned or operated by an agency of the federal government.

(6) Pickup trucks, as defined in Section 471, and two-axle daily rental trucks with gross vehicle weight ratings of less than 26,001 pounds, when operated in noncommercial use.

(f) Subdivision (b) does not apply to the following:

(1) Vehicles that display a valid operating authority or identification number assigned by the former Interstate Commerce Commission, or the Federal Highway Administration, of the United States Department of Transportation.

(2) Vehicles that are regulated by, and that display a valid operating authority number issued by, the Public Utilities Commission, including household goods carriers as defined in Section 5109 of the Public Utilities Code.

(3) For-hire motor carriers of passengers.

(g) The display of the carrier identification number shall be in sharp contrast to the background, and shall be of a size, shape, and color that it is readily legible during daylight hours from a distance of 50 feet.

(h) The carrier identification number for companies no longer in business, no longer operating with the same name, or no longer operating under the same operating authority, identification number, or motor carrier permit shall be removed before sale, transfer, or other disposal of any vehicle marked pursuant to this section.

1 SEC. 4. Section 40000.15 of the Vehicle Code is  
2 amended to read:  
3 40000.15. A violation of any of the following provisions  
4 shall constitute a misdemeanor, and not an infraction:  
5 Sections 23103 and 23104, relating to reckless driving.  
6 Section 23109, relating to speed contests or exhibitions.  
7 Section 23110, subdivision (a), relating to throwing at  
8 vehicles.  
9 Section 23152, relating to driving under the influence.  
10 Subdivision (b) of Section 23222, relating to possession  
11 of marijuana.  
12 Subdivision (a) or (b) of Section 23224, relating to  
13 persons under 21 years of age knowingly driving, or being  
14 a passenger in, a motor vehicle carrying any alcoholic  
15 beverage.  
16 Sections 23237 and 23244, relating to ignition interlock  
17 devices.  
18 Section 23253, relating to officers on vehicular  
19 crossings.  
20 Section 23332, relating to trespassing.  
21 Section 24011.3, relating to vehicle bumper strength  
22 notices.  
23 Section 27150.1, relating to sale of exhaust systems.  
24 Section 27362, relating to child passenger seat  
25 restraints.  
26 Section 27900, relating to commercial vehicle  
27 identification.  
28 Section 28050, relating to true mileage driven.  
29 Section 28050.5, relating to nonfunctional odometers.  
30 Section 28051, relating to resetting ~~odometer~~  
31 *odometers*.  
32 Section 28051.5, relating to ~~device to reset odometer~~  
33 *devices to reset odometers*.  
34 SEC. 5. No reimbursement is required by this act  
35 pursuant to Section 6 of Article XIII B of the California  
36 Constitution because the only costs that may be incurred  
37 by a local agency or school district will be incurred  
38 because this act creates a new crime or infraction,  
39 eliminates a crime or infraction, or changes the penalty  
40 for a crime or infraction, within the meaning of Section

1 17556 of the Government Code, or changes the definition  
2 of a crime within the meaning of Section 6 of Article  
3 XIII B of the California Constitution.

4 Notwithstanding Section 17580 of the Government  
5 Code, unless otherwise specified, the provisions of this act  
6 shall become operative on the same date that the act  
7 takes effect pursuant to the California Constitution.

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